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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|--------------------------------|------------------|
| 10/520,944 | 10/24/2005 | Jean-Pierre Joliet | 4444-051 | 4767 |
| 22429 7590 02/15/2007 LOWE HAUPTMAN BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314 | | | EXAMINER UPTON, CHRISTOPHER | |
| | | | ART UNIT 1724 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 3 MONTHS | | 02/15/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/520,944

Applicant(s)

JOLIET, JEAN-PIERRE

Examiner

Christopher Upton

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 16-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

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1. Claims 21, 33 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 lacks antecedent basis for the closure. It appears that the claim should depend from claim 20 instead of 19.

Claims 33 and 34 are unclear as to what they claim. Claim 33 appears to be a subcombination to just the waste retainer, however, the "adapted" and "arranged" language of the claims requires a combination with the vessel and flow channel for the structure to be complete.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16, 18, 22-24, 26, 28, 29, 31, 33 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by PCT publication WO 00/27694.

The PCT publication discloses a waste retainer in the form of a holding tank in a water channel on a two-hulled vessel, with turbines arranged in the outflow, and a solid waste retaining grill, as claimed.

4. Claims 16, 18, 20, 22-24, 28, 29 and 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Szereday.

Szereday discloses a waste retainer in the form of a holding tank in a water channel on a two-hulled vessel, with a closure on the bottom, and a solid waste retaining grill, as claimed.

5. Claims 16, 18, 26-29, 31, 33 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Brydoy.

Brydoy discloses a waste retainer in the form of a holding tank in a water channel on a two-hulled vessel, with a turbine arranged in the outflow, as claimed.

6. Claims 16, 18, 20, 26, 27 and 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Derzhavets.

Derzhavets discloses a waste retainer in the form of a holding tank in a water channel on a two-hulled vessel, with turbines arranged in the outflow, and a bottom closure, as claimed.

7. Claims 16, 18, 20, 28, 29 and 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Petcjhul.

Petchul discloses a waste retainer in the form of a holding tank in a water channel on a two-hulled vessel, with a bottom closure, as claimed.

8. Claims 16, 18, 20, 26-29 and 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Rymal.

Rymal discloses a waste retainer in the form of a holding tank in a water channel on a two-hulled vessel, with turbines arranged in the outflow, as claimed.

9. Claims 16, 18, 22-24 and 26-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Chastan-Bagnis.

Chastan-Bagnis discloses a waste retainer in the form of a holding tank in a water channel on a two-hulled vessel with rollers for land use, with turbines arranged in the outflow, and a solid waste retaining grill, as claimed.

10. Claims 16, 18, 29, 31, 33 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Cocjin or Andelin.

Cocjin and Andelin disclose waste retainers in a flow channel between two hulls, as claimed.

11. Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 16 and 18 in view of Winbladh.

Claims 17 and 19 differ from claims 16 and 18 in recitation of a heating or temperature control element. It is well known to use a heaters on an oil skimming vessel, as exemplified by Winbladh. It would therefore have been obvious for one skilled in the art to add such heaters to the devices of the references applied to claims 16 and 18, to keep the oil in a more liquid and therefore more easily flowable state.

12. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over PCT publication 00/27694, Szereday or Chastan-Bagnis as applied to claim 24 above, and further in view of Debellian.

Claim 25 differs from claim 24 in recitation of the grill being a pair of moveable grills secured to each other. Since such a system for removing solid waste in a skimmer is known, as exemplified by Debellian, it is submitted that it would have been obvious for one skilled in the art to modify the solid waste retention grills of the PCT publication, Szereday or Chastan-Bagnis to such a configuration, to enable cleaning out of the device.

13. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brydoy, Derzhavets, Petchul, Rymal, Cocjin or Andelin as applied to claim 16 above, and further in view of Debellian.

Claims 22-25 differs from claim Brydoy, Derzhavets, Petchul, Rymal, Cocjin or Andelin in recitation of a solids retention system in the form of a pair of moveable grills secured to each other. Since such a system for removing solid waste in a skimmer is known, as exemplified by Debellian, it is submitted that it would have been obvious for one skilled in the art to add such a system to the skimmers of Brydoy, Derzhavets, Petchul, Rymal, Cocjin or Andelin, to enable the skimmers to collect solid as well as liquid waste.

14. Claim 21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


The recitation of a vessel having an inlet and an outlet forming a flow channel, and having a liquid waste holding tank in the channel with an inlet at the upper edge and a lower outlet in the form of an orifice with a closure in the form of a float having a density greater than that of the waste and less than that of water patentably distinguishes over the prior art of record.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other references of interest include Bell, Jordan and Garrett.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Upton whose telephone number is 571-272-1169. The examiner can normally be reached on 7:30-5:00, off every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, consisting of a stylized 'C' followed by a series of loops and a final upward stroke.

Christopher Upton
Primary Examiner
Art Unit 1724